

DOCKET FILE COPY ORIGINAL

RECEIVED

BEFORE THE

SEP 13 1993

FEDERAL COMMUNICATIONS COMMISSION

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of:

Amendment of Section 73.202(b)  
The Table of Allotments, FM  
Broadcast Stations.  
(Provincetown, Massachusetts)

MM Docket No.  
RM. 8266

93-204

TO: The Commission

COMMENTS IN SUPPORT OF NOTICE OF  
PROPOSED RULE MAKING

1. Lower Cape Communications, Inc., licensee of non-commercial FM Station WOMR, Channel 220A, Provincetown, Mass., herein Petitioner, files these comments in support of the Commission's proposal to substitute Channel \*221A for Channel \*220A at Provincetown, Mass. and to reserve the channel for non-commercial use. Petitioner incorporates by reference the various arguments advanced in support of this proposal in its original Petition. In addition, Petitioner states that it is its present intention to apply for the channel if it is allotted and, if authorized, to promptly establish its facilities on the new channel.

2. Petitioner has appended hereto its verification, requested in footnote #1 of the Commission's notice, that the statements contained in the Petition were accurate to the best of its knowledge.

3. Also appended in response to the request contained in paragraph 2 of the Commission's notice is an engineering statement in support of the statement contained in the Petition that removal of Channel 220A at Provincetown would have no preclusionary effect on Channels 218, 219, and 220.

Respectfully submitted:

Thomas Conklin

Thomas H. Conklin  
President, Board of Directors  
Lower Cape Communications, Inc.

CERTIFICATE

Thomas H. Conklin, President of Lower Cape Communications, Inc. licensee of FM Station WOMR , Provincetown, Mass. hereby certifies that he is the President of Lower Cape Communications, Inc. licensee of WOMR, Provincetown, Mass., that he has been a member of the Board of Directors of Petitioner for seven years at various times and has been active in its affairs, that he is fully acquainted with the contents of the Petition for Rule Making filed by Petitioner on April 29, 1993 and that all of the statements contained therein are true to the best of my knowledge.

Thomas H. Conklin

Thomas Conklin

CERTIFICATE OF SERVICE

I, Thomas H. Conklin, President of Lower Cape Communications, Inc. do hereby certify that on this 13<sup>th</sup> day of September, 1993, copies of the foregoing document were mailed postage prepaid to:

Robert L. Olender, Esq.  
5335 Wisconsin Ave. NW  
Suite 300  
Washington, D.C. 20015

Thomas Conklin  
Thomas H. Conklin



**EDUCATIONAL FM ASSOCIATES • 19 Boies Road • Duxbury, Massachusetts 02332**

**Telephone: (617) 585-9200**

RM-8266, MM Docket Number 93-204

SUPPORTING TECHNICAL COMMENTS BY PETITIONER

In its Notice of Proposed Rule Making in this docket, the Commission requested the Petitioner to demonstrate the lack of preclusionary impact on non-commercial channels 218, 219, and 220 if Channel 221A is substituted for Channel 220A at Provincetown, MA. These technical comments provide that information.

As a preliminary matter, Petitioner has filed an application proposing to increase the power of WOMR from less than 1 kilowatt to a maximum of 20 kilowatts for vertical polarization. That application is mutually exclusive with application BPED-930114ML tendered by the University of Massachusetts requesting a Construction Permit for a new non-commercial Class A station at Falmouth, Massachusetts. However, Petitioner has indicated that if the license of WOMR is modified to specify operation on Channel 221A it intends dismiss the Channel 220 power increase application. As noted in the Commission's NPRM in this matter, the University of Massachusetts has amended its Channel 220 application to request processing pursuant to Section 73.215 of the Rules with respect to the proposed Channel 221A assignment at Provincetown.

As a result, assignment of Channel 221A at Provincetown will have a salutary rather than a preclusive effect on the use of Channel 220 in the Cape Cod area since the Falmouth Channel 220 application can then be granted without impediment and WOMR can achieve its desired increase in coverage.

Use of Channel 219 is currently precluded on Cape Cod by the cutoff applications by the University of Massachusetts on Channel 220A in Falmouth and WOMR on Channel 220B1 in Provincetown. If Channel 221A is assigned to Provincetown, use of Channel 219 will be precluded within approximately 31 kilometers of the WOMR site. However, Channel 219 can then be used in a number of Lower Cape communities including Orleans, Chatham, and Eastham. So allocation of Channel 221A to Provincetown will have a positive rather than a negative impact on the use of Channel 219 on Cape Cod.

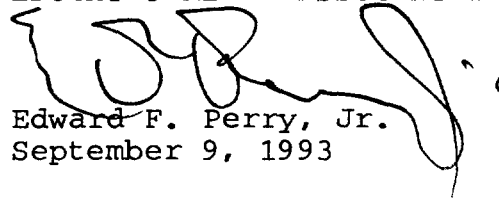
Use of Channel 218 is currently precluded within the proposed WOMR Channel 220 60 dbu service contour and within the existing 40 dbu interference contour of WSDH, Channel 218A in Sandwich, MA. The proposed WOMR 60 dbu contour extends approximately 27 kilometers on bearings toward Cape Cod land area thus precluding the use of Channel 218 in this area. An additional but smaller preclusion area of unknown

magnitude exists to provide space for the 80 dbu interference contour of a theoretical Channel 218 station. If Channel 221A is substituted for Channel 220 in Provincetown, the required spacing to the WOMR transmitter will increase to 31 kilometers. However this distance is an absolute separation which includes space for the service and interference contours of both WOMR and a theoretical channel 218 operation. Depending on the amount of power requested by a Channel 218 applicant, the substitution of Channel 221A for Channel 220 will have only a minor effect, either positive or negative, on the area where Channel 218 can be used. Of course, use of Channel 218 on the Lower Cape would preclude use of Channel 219 in the same area. However, all of the areas in question lie inside or very near to the 47 dbu contour of Channel 6 television station WLNE in New Bedford, Massachusetts. It is likely that any applicant for new educational FM facilities on Cape Cod would specify Channel 219 rather than Channel 218 so as to minimize the Channel 6 interference area.

Based on the foregoing considerations, it is clear that adding Channel 221A as a new assignment in Provincetown and modifying the license of WOMR to operate on that channel will make it easier rather than harder to establish new non-commercial stations on Cape Cod. Specifically, the

proposed change will permit the use of Channel 220A in Falmouth as currently requested by the University of Massachusetts and will clear the way for the use of Channel 219 in the Lower Cape communities of Orleans, Chatham, Eastham, and Brewster.

Respectfully submitted  
EDUCATIONAL FM ASSOCIATES



Edward F. Perry, Jr.  
September 9, 1993